

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1001(ss) be amended to read as follows:

- 1 Page 143, delete lines 10 through 33 and insert:
- 2 "SECTION 121. IC 6-7-1-28.1 IS AMENDED TO READ
- 3 AS FOLLOWS [EFFECTIVE AUGUST 1, 2002]: Sec. 28.1.
- 4 **(a) An amount equal to eleven percent (11%) of the revenue**
- 5 **generated by the taxes imposed under section 12 of this**
- 6 **chapter shall be deposited in the county cigarette tax**
- 7 **account established by section 33.5 of this chapter.**
- 8 **(b) After the amount described in the subsection (a) is**
- 9 **deposited in the county cigarette tax account, the remaining**
- 10 taxes, registration fees, fines, or penalties collected under this
- 11 chapter shall be deposited in the following manner:
- 12 (1) ~~Seven thirty-firsts ($\frac{7}{31}$)~~ **Eight and ninety-eight**
- 13 **hundredths percent (8.98%)** of the money shall be
- 14 deposited in a fund to be known as the cigarette tax fund.
- 15 (2) ~~One thirty-first ($\frac{1}{31}$)~~ **One and twenty-eight**
- 16 **hundredths percent (1.28%)** of the money shall be
- 17 deposited in a fund to be known as the mental health
- 18 centers fund.
- 19 (3) ~~Fourteen thirty-firsts ($\frac{14}{31}$)~~ **Seventy-eight and**
- 20 **two-tenths percent (78.2%)** of the money shall be
- 21 deposited in the state general fund.
- 22 (4) ~~Nine thirty-firsts ($\frac{9}{31}$)~~ **Eleven and fifty-four**
- 23 **hundredths percent (11.54%)** of the money shall be
- 24 deposited into the pension relief fund established in
- 25 IC 5-10.3-11.
- 26 The money in the cigarette tax fund, the mental health centers

fund, or the pension relief fund at the end of a fiscal year does not revert to the state general fund. However, if in any fiscal year, the amount allocated to a fund under subdivision (1) or (2) is less than the amount received in fiscal year 1977, then that fund shall be credited with the difference between the amount allocated and the amount received in fiscal year 1977, and the allocation for the fiscal year to the fund under subdivision (3) shall be reduced by the amount of that difference.

SECTION 122. IC 6-7-1-33.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE SEPTEMBER 1, 2002]: **Sec. 33.5.**

(a) There is established the county cigarette tax account for the purpose of receiving tax revenue under section 28.1 of this chapter. Money in the county cigarette tax account at the end of a fiscal year does not revert to the state general fund.

(b) Notwithstanding section 30.1 of this chapter, the amounts received under this section shall be paid monthly by the treasurer of state upon warrants issued by the auditor state:

(1) to each county in which the tax under section 12 of this chapter was imposed and collected; and

(2) in an amount equal to the product of:

(A) the total amount deposited in the previous month in the account under section 28.1 of this chapter; multiplied by

(B) the county allocation percentage determined by the department under section 33.7 of this chapter.

(c) A county that receives funds under this section may use the funds for:

(1) economic development;

(2) infrastructure; and

(3) public safety;

within the county.

SECTION 123. IC 6-7-1-33.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2002]: **Sec. 33.7. Not later than the fifteenth day of each month, the department shall calculate a county allocation percentage for each county for the following month. The county allocation percentage is the amount determined in STEP FOUR of the following formula:**

1 **STEP ONE: For each county, determine the amount of**
2 **state gross retail tax that was:**
3 **(1) collected in the county; and**
4 **(2) attributable to the sale of cigarettes;**
5 **during the previous twelve (12) months.**
6 **STEP TWO: Determine the sum of the STEP ONE**
7 **amounts.**
8 **STEP THREE: Divide the STEP ONE amount by the**
9 **STEP TWO amount.**
10 **STEP FOUR: Divide the STEP THREE amount by**
11 **twelve (12)."**
12 Renumber all SECTIONS consecutively.
13 (Reference is to EHB 1001(ss) as printed June 13, 2002.)

Senator MEEKS C